

Amendments to the Drawing

Enclosed is replacement sheet 3 showing amendments to FIG. 3.

Remarks

Claims 1-20 were pending in the application. Claims 1-3 and 9-12 were rejected. Claims 13-18 were withdrawn. Claims 4-8, 19, and 20 were merely objected to and no claims were allowed. By the foregoing amendment, no claims are canceled, claims 1, 4, 9, and 11 are amended, and no claims are added. No new matter is presented.

Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter in claims 4-8, 19, and 20.

Specification

It was asserted: "The title and abstract of the invention is not descriptive." Apparent reference was made to the method claims. By the foregoing amendment, the title and abstract have been amended.

Drawings

The foregoing amendment to the specification changes the FIG. 2 reference to FIG. 3. The foregoing amendment to the drawing adds reference numeral 72 to FIG. 3.

Claim Rejections-35 U.S.C. 112

Claim 9 was rejected under 35 U.S.C. 112(2). Applicant respectfully traverses the rejection.

The foregoing amendment adopts *ipsis verbis* antecedence in various claims. Nevertheless, the claims as-filed are viewed as definite.

Claim Rejections-35 U.S.C. 102 and 103

Claims 1-3 and 10 were rejected as being anticipated by Moroi et al. (US6783338). Applicant respectfully traverses the rejection.

Element 110 of Moroi et al. was asserted as the housing. Element 110e (which is a groove) was first asserted as the spacer element. However, based upon a later recitation, Applicant assumes the tip seal 113 was intended to be identified as the spacer elements. The

Office action however unreasonably and improperly reads the claim element of being applied over as meaning positioned above. The coating layer on the movable scroll member is then asserted as being the claimed coating because the movable scroll member hypothetically could be oriented above/over the fixed scroll member. The foregoing amendment to claim 1 further distinguishes this unreasonable interpretation. Additionally, there is no citation for the machining of the spacer elements of claims 1 and 3 and the number of spacer elements of claim 10.

Claims 1 and 9 were rejected as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shimizu et al. (US4225295). Applicant respectfully traverses the rejection.

Shimizu et al. involves a Wankel rotary engine. Side seals 7 were asserted as the spacer elements. Element 12 is asserted as the coating. This is a coating along the rotor faces, not the housing. There is no support for asserted inherency of machining or press fit.

Claim Rejections-35 U.S.C. 103

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Moroi et al. or Shimizu et al. Applicant respectfully traverses the rejection.


The rejections suffer the same deficiencies as do the underlying rejections under 35 U.S.C. 102. Merely replacing the seals does not cure those deficiencies.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. in view of Applicant's admitted prior art. Applicant respectfully traverses the rejection.

The admitted prior art is the apparent existence of screw compressors. There is no suggestion for the proposed combination. There is no suggestion that one of ordinary skill in the art would have appreciated a deficiency of screw compressors let alone sought a cure from the Wankel engine, let alone made the specific proposed modifications. Furthermore, the proposed combination would involve coating the rotor ends rather than the end walls.

Accordingly, Applicant submits that claims 1-20 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

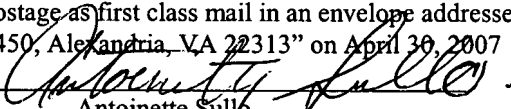
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Enclosure: Replacement Sheet 3

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on April 30, 2007


Antoinette Sullo